

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEHAN ABDUR-RAHEEM,

Plaintiff,

DECISION AND ORDER

07-CV-6247F

v.

S.J. WENDERLICH,

Defendant.

Pretrial motions were referred to United States Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636. The Magistrate Judge issued a Report and Recommendation (Dkt. #61) recommending that this Court deny plaintiff's motion to file a second amended complaint. No objections of any kind were filed to that Report and Recommendation and, therefore, on October 18, 2012, this Court issued an Order (Dkt. #62) accepting the Report and Recommendation and denying plaintiff's motion to file a second amended complaint.

Plaintiff now moves (Dkt. #67) -- almost a year after the Court's decision and order -- to reconsider that order denying plaintiff's motion to file a second amended complaint.

The motion is untimely and, for that reason alone, I would deny the motion. Rule 7(d)(3), Local Rules of Civil Procedure. The procedure for challenging a Magistrate Judge's Report and Recommendation is to file objections to that Report. No objections were filed.

But, in spite of the procedural flaw, I have considered the merits. I see no basis whatsoever to reconsider my prior decision which adopted the Magistrate Judge's recommendation that there is no basis to file a second amended complaint.

This case was transferred to United States District Judge Frank P. Geraci, Jr, when he joined the Court. Therefore, any successive motion to file a second amended complaint needs to be addressed to Judge Geraci.

CONCLUSION

Plaintiff's motion for this Court to reconsider its Decision of October 18, 2012 denying plaintiff's motion to file a second amended complaint is in all respects denied. Any new, successive motion for similar relief, must be addressed to the newly assigned District Judge.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 21, 2013.